

COPY

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREFETCHING AND CACHING PERSISTENT OBJECTS.

The specification of which was filed on March 5, 1999 as application serial no. 09/263,408.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 4 attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with Title 37, Code of Federal Regulations § 1.63(e).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such claim for priority is being made at this time.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

No such claim for priority is being made at this time.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Adams, Matthew W.	Reg. No. 43,459	Forденbachcr, Paul J.	Reg. No. 42,546	Maki, Peter C.	Reg. No. 42,832
Anglin, J. Michael	Reg. No. 24,916	Forrest, Bradley A.	Reg. No. 30,837	Mates, Robert E.	Reg. No. 35,271
Arora, Suneel	Reg. No. 42,267	Harris, Robert J.	Reg. No. 37,346	McCrackin, Ann M.	Reg. No. 42,858
Bianchi, Timothy E.	Reg. No. 39,610	Holloway, Sheryl S.	Reg. No. 37,850	Oh, Allen J.	Reg. No. 42,047
Billion, Richard E.	Reg. No. 32,836	Huebsch, Joseph C.	Reg. No. 42,673	Padys, Danny J.	Reg. No. 35,635
Black, David W.	Reg. No. 42,331	Kalis, Janal M.	Reg. No. 37,650	Polglaze, Daniel J.	Reg. No. 39,801
Brennan, Thomas F.	Reg. No. 35,075	Klima-Silberg, Catherine I.	Reg. No. 40,052	Sako, Katie E.	Reg. No. 32,628
Brooks, Edward J., III	Reg. No. 40,925	Kluth, Daniel J.	Reg. No. 32,146	Schwegman, Micheal L.	Reg. No. 25,816
Clark, Barbara J.	Reg. No. 38,107	Lacy, Rodney L.	Reg. No. 41,136	Sieffert, Kent J.	Reg. No. 41,312
Crouse, Daniel D.	Reg. No. 32,022	Leffert, Thomas W.	Reg. No. 40,697	Slifer, Russell D.	Reg. No. 39,838
Drake, Eduardo E.	Reg. No. 40,594	Lemaire, Charles A.	Reg. No. 36,198	Steffey, Charles E.	Reg. No. 25,179
Eliseeva, Maria M.	Reg. No. 43,328	Litman, Mark A.	Reg. No. 26,390	Terry, Kathleen R.	Reg. No. 31,884
Embretson, Janet E.	Reg. No. 39,665	Lundberg, Steven W.	Reg. No. 30,568	Viksnins, Ann S.	Reg. No. 37,748
Fogg, David N.	Reg. No. 35,138	Mack, Lisa K.	Reg. No. 42,825	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : Philip A. Bernstein

Citizenship: United States of America

Residence: Bellevue, WA

Post Office Address: 13830 SE Somerset Lane  
Bellevue, WA 98006

Signature:   
Philip A. Bernstein

Date: 27 April 1999

Full Name of joint inventor number 2 : Shankar Pal

Citizenship: India

Residence: Redmond, WA

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Redmond, WA 98052

Signature:   
Shankar Pal

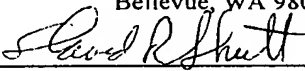
Date: 4/27/99

Full Name of joint inventor number 3 : David R. Shutt

Citizenship: United States of America

Residence: Bellevue, WA

Post Office Address: 14150 NE 20th Street  
#325  
Bellevue, WA 98007-3700

Signature:   
David R. Shutt

Date: April 27, 1999

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature:

Date:

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

DOCKET NO: MSFT-0511/115152.1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Bernstein et al.

Serial No.: 09/263,408

Group Art Unit: 2751

Filed: 3/5/1999

Examiner: Not Assigned Yet

For: **PREFETCHING AND CACHING PERSISTENT OBJECTS**

BOX DSD

Commissioner of Patents & Trademarks  
Washington, DC 20231

Sir:

**POWER OF ATTORNEY WITH REVOCATION  
AND STATEMENT UNDER 37 CFR 3.73(b)**

Revoking any and all powers of attorney heretofore given in the matter of the above-entitled application, the undersigned, assignees of the entire interest in the above-identified application, hereby appoints **STEVEN J. ROCCI**, Registration No. 30,489, of the firm of **WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP**, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania, 19103, as attorney(s) for applicant, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith. The authority granted herein shall remain in effect unless otherwise revoked in writing by the undersigned or otherwise terminated.

In addition, the assignee also appoints the following attorneys listed below of **MICROSOFT CORPORATION**, One Microsoft Way, Redmond, Washington 98052 with

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**DOCKET NO: MSFT-0511/115152.1**

**PATENT**

full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

**Katie E. Sako**

**Registration No. 32,628**

**Daniel D. Crouse**

**Registration No. 32,022**

Send all future correspondence and address all telephone calls to:

**STEVEN J. ROCCI  
WOODCOCK WASHBURN KURTZ  
MACKIEWICZ & NORRIS LLP  
One Liberty Place - 46th Floor  
Philadelphia, PA 19103  
(215) 568-3100**

**STATEMENT UNDER 37 C.F.R. §3.73(b)**

**MICROSOFT CORPORATION**, a corporation of the **State of Washington**, certifies that it is the assignee of the entire right, title, and interest in the patent application/patent identified above by virtue of:

☒ An assignment from the inventor(s) of the patent application/patent identified above.

☒ 1. The assignment was recorded in the Patent and Trademark Office at Reel 9928, Frame 0889.

☐ 2. The assignment has not yet been recorded. A copy of the assignment is attached.

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☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignees identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee, **MICROSOFT CORPORATION**.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Katie E. Sako  
**Name: KATIE E. SAKO**  
**Title: Assistant Secretary**  
**Corporation: MICROSOFT CORPORATION**

**Date:** 5/4/2001

**DOCKET NO.: MSFT-2911/115152.1**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:**

**Philip A. Bernstein, Shankar Pal and  
David R. Shutt**

**Confirmation No.: Not Yet Assigned**

**Application No.: Not Yet Assigned**

**Group Art Unit: Not Yet Assigned**

**Filing Date: Herewith**

**Examiner: Not Yet Assigned**

**For: PREFETCHING AND CACHING PERSISTENT OBJECTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

**ASSOCIATE POWER OF ATTORNEY**

The undersigned, of the firm WOODCOCK WASHBURN LLP, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania 19103, Attorney(s) and/or Agents for Applicant(s), hereby appoints the following:



his/her associates with full power to prosecute the above-identified application and to transact all business in the Patent Office connected therewith and requests that correspondence continue to be directed to the firm of WOODCOCK WASHBURN LLP at the above address.

Date: February 19, 2004

  
\_\_\_\_\_  
Steven J. Rocci  
Registration No. 30,489

Woodcock Washburn LLP  
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Philadelphia PA 19103  
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Facsimile: (215) 568-3439